

14.29 Hrs.

DELHI MUNICIPAL LAWS (AMENDMENT) BILL*

[English]

Mr. Chairman : Shri M. M. Jacob may now move for leave to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi.

The Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home Affairs (Shri M. M. Jacob) : Sir, I beg to move for leave to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi.

Mr. Chairman : The question is : "That leave be granted to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi."

The motion was adopted.

Mr. Chairman : The Minister may now introduce the Bill.

Shri M. M. Jacob : I introduce the Bill.

14.30 Hrs.

Statement by Minister

REASONS FOR IMMEDIATE LEGISLATION BY DELHI MUNICIPAL LAWS (AMEND- MENT) ORDINANCE, 1991

[English]

The Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home

Affairs (Shri M.M. Jacob) : I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Delhi Municipal Laws (Amendment) Ordinance.

[Placed in Library. See No. LT-291/91]

14.31 Hrs.

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL*

[English]

The Minister of State in the Ministry of Parliamentary Affairs and the Minister of State in the Ministry of Home Affairs (Shri M. M. Jacob) : Sir, on behalf of Shri S. B. Chavan, I beg to move for leave to introduce a Bill further to amend the Terrorist Disruptive Activities (Prevention) Act, 1987.

Mr. Chairman : Motion moved.

"That leave be granted to introduce a Bill further to amend the Terrorist Disruptive Activities (Prevention) Act, 1987."

Shri George Fernandes (Muzaffarpur) : Sir, I would like to oppose the motion to introduce the Bill. I have given notice of my intention to oppose it.

This House knows that this particular law was enacted in the first instance for a period of two years and special situation prevailing in Punjab was cited as a reason for introduction of this law. The Government at that time had taken a view that within a period of two years it will be able to deal with the situation that has arisen in Punjab. Though the law covered the entire country, the point was repeatedly made in this House that this law would apply only to Punjab. Sir, after the expiry

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Shri George Fernandes—Contd.

of those two years it was sought to amend this law once again. The then Home Minister, Mr. Buta Singh, who is presently a Member of this House, moved that amendment bill in 1989. At that time, according to the Statement of Objects and Reasons which are now being circulated with this amendment bill, a point was made that a further period of two years is needed to deal with the situation that prevails in Punjab.

Now, we have been told that another two years will be needed, and, therefore, these extraordinary and draconian powers which the State had acquired four years ago for a period of two years should now be given for another two years period; thus taking the entire tenure of this law to six years.

Sir, I am opposing it because of two reasons. One is that they have gone through this experience of such draconian laws being introduced in the first instance to deal with a specific situation and then these laws getting extended in terms of time for an indefinite period. One can go back to the Armed Forces (Special Powers) Act. If my memory does not fail me, that law was enacted in 1956. It was supposedly enacted for a special situation which was at that time prevailing in a place called Nagaland.

The then Home Minister was to make a statement that he would need this only for six months. It was because, at that time, in this House, the Members from both sides—the Congress Party was then the ruling party—the ruling party as well as the Opposition, opposed the extraordinary powers which the Armed Forces (Special Powers) Act was going to confer on the security forces. So, the then Home Minister said that they need this only for six months. He said that this draconian law should not be there in the Statute Book but even then, in an extraordinary situation that prevails in Nagaland, where there is an insurgency, let us have this for only six months.

Sir, the Armed Forces (Special Powers) Act is there in the Statute Book for the last 35 years after those six months have elapsed. Today, that law is applicable not just to Nagaland or to the North-Eastern part of India but the provisions of the Armed Forces (Special Powers) Act have been applied to many other parts of the country and we know with what consequences. That is one reason why I am opposing this because there is no end to this kind of a draconian law being introduced in the first place for a specific period of time and then the State coming forward with extensions.

From a Welfare State, which we are supposed to be, we have now become a National Security State. You rule with guns. You rule with Police. Your Budget for employment is going down but it goes up for the Police and you are now trying to convert the whole country, by extending this particular law, into a kind of prison house. This is where I am citing the second reason why I am opposing the introduction of this Bill. It has nothing to do with the terrorists any more. The terrorists are taking care of themselves and the State is taking care of them. This law is applied today on most trade union activists. I can cite a very special case in which, in certain respects I was involved—I was fortunate that the law was not applied to me. In Ahmedabad, there is a textile mill which is owned by one of the largest industrial houses in this country, the Reliance Textiles. I do not want to name the gentleman who owns it because a lot of people are obliged to him. This mill was not prepared to implement a statutory decision of an Industrial Tribunal, saying that the textile workers working in that mill should be given an interim wage benefit that had been given to all other textile workers in the State. The workers went on a strike. I happened to be associated

Shri George Fernandes—Contd.

with their Union and I am still associated with their Union. For three months the employer fought back and they fought back with the goons and they fought back with the State Police and finally when everything failed they picked up 18 of our active workers under this particular law—the Terrorists and Disruptive Activities (Prevention) Act. This decision was taken after the man who owns Reliance Textiles called on the Chief Minister. The next day, when the newspaper flashed on the front page that the Proprietor of this industry calling on the Chief Minister and exchanging pleasantries and that night this particular law was applied and 18 workers were picked up.

As the House is aware and I am sure, you yourself would be particularly aware of this designated Court where you will not get any bail. Whatever be that designated Court, it does not give you bail. You go before the Court and the Court will say, 'sorry, there is nothing we can do'. Then, you cannot go to the High Court also. So, these poor workers of Ahmedabad have to come to the Supreme Court here and literally run from pillar to post, spent a fortune of the workers and finally they were released by the order of the Supreme Court. The State did not compensate those workers. Those who are responsible for this law had said that this was to apply only to a very specific situation that prevail in Punjab. So, they did not compensate those workers. It is not just one instance. At this particular moment as I am standing here, there are hundreds of social activists, there are hundreds of trade union workers, there are hundreds of political activists, who are not terrorists, who have not taken a stone in their hand in their life, have been detained under this law in different States of the Union—Tamil Nadu, Andhra Pradesh, Maharashtra, Gujarat, Rajasthan and so on. We can name a

whole list of States which are utilising this law today as a preventive detention law. There are instances where this law has been used even to settle political scores.

With the kind of experience that all of us have had, I believe that this law should not any more continue to be in the statute book. The Ordinance that has been enacted should be allowed to lapse. I, therefore, oppose the introduction of this Bill.

Shri Yaima Singh Yumnam (Inner Manipur) : I want to oppose this Bill.

Mr. Chairman : I don't think we have received any notice from you. You should have given a prior notice as Mr. George Fernandes has given.

I would request the hon. Minister to reply to the debate.

Shri M. M. Jacob : First of all I am thankful to Mr. George Fernandes for going through the substantial part of the Bill. The way in which he visualised the things at the moment, I thought these things we can debate when the Bill is really introduced and when we are debating the whole thing. There should be no technical objection at this stage to be raised. However, this is actually to make the Ordinance not to lapse, because by replacing the Ordinance, we thought that we had to introduce it.

The terrorist menace still continues in the country; it has spread to many areas ; and specially during the last two years, it was necessary to extend it again for two years, because the assessment was that the terrorist virus had spread to other areas, other than Punjab. Even a Notification was made at that time. Of course, I was not handling this. But, at the same time, it was not wholly meant for Punjab even at the second time when it was brought, when Mr. Buta Singh was the Home Minister. I think it was notified area; it must have been mentioned as

Shri M. M. Jacob—Contd.

notified area; that means any area notified, which is actually affected by the terrorists menace.

It is the duty of every Indian citizen to protect ourselves and the nation from any terrorist virus. We are making every effort to that extent. So, the purpose now is very limited. I am not going to argue with my hon. colleague on the merit of it because that is an area where we have to go into it in depth; and I am not opposing to any of these points. But, at the same time, an opportunity should be given to this House to debate this Bill in this House and examine the various aspects of it; and that will be possible only when we introduce it and you accept the introduction; and then we will debate the whole thing. This was for a limited purpose. We extended it for two years. That period was lapsed. So, the President had to promulgate an Ordinance; within six weeks from the commencement of the Parliament, we have to again approve it. Otherwise, naturally, the problems will arise. That is precisely the reason why I have brought this Bill before the House. And the terrorist menace still continues and more so is spreading to various areas, many other areas; and it has to be contained by strong measures and forceful measures with the cooperation of all parties and all people concerned. That is why, I was welcoming even the suggestions made by Mr. George Fernandes at this stage. I hope this Bill will be allowed to be moved and passed.

Mr. Chairman : The question is :

“That leave be granted to introduce a Bill further to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987.”

The motion was adopted.

Mr. Chairman : The Minister may now introduce the Bill.

Shri M. M. Jacob : I introduce the Bill.

14.43 Hrs.

Statement by Minister

REASONS FOR IMMEDIATE LEGISLATION BY TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ORDINANCE, 1991

[English]

The Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home Affairs (Shri M. M. Jacob) : On behalf of Shri S. B. Chavan, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1991.

[Placed in Library. See No. Lt. 202/91]

14.44 Hrs.

JAMMU AND KASHMIR CRIMINAL LAW AMENDMENT (SECOND) AMENDING BILL*

[English]

The Minister of State in the Ministry of Parliamentary Affairs and Minister of State in the Ministry of Home Affairs (Shri M. M. Jacob) : On behalf of Shri S. B. Chavan, I beg to move for leave to introduce a Bill further to amend the Jammu & Kashmir Criminal Law Amendment Act, 1983.

Mr. Chairman : Motion moved.

“That leave be granted to introduce a Bill further to amend the Jammu & Kashmir Criminal Law Amendment Act, 1983.”

* Published in Gazette India, extraordinary, Part II, Section 2, dated 29-7-1991.